

REMARKS/ARGUMENTS

Reconsideration of the Examiner's rejection of the present application is requested respectfully in view of the following remarks.

STATUS OF THE CLAIMS

At the time of the present Office Action, claims 1 to 6, and 23 to 25 were pending in this patent application. Claims 1 to 6, and 23 to 25 have been amended. No claims have been canceled or added. Therefore, claims 1 to 6, and 23 to 25 are presented for consideration.

SUMMARY OF OFFICE ACTION

Claims 1 to 6, and 23 to 25 are subject to a further Restriction Requirement as set forth on page 2 of the Office Action, and as further discussed in an Interview Summary by the Examiner in a further action dated March 19, 2008.

Claims 1 to 6, and presumably claims 23 to 25, stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement.

INTERVIEW SUMMARY

Applicant thanks Examiner Desai for the courtesy of a telephone interview with the below named attorney on March 3, 2008, which was has already been reported by the Examiner in an Interview Summary dated March 19, 2008. The new Restriction Requirement presented in the present Office Action was discussed. Applicant agreed to elect the group wherein in the definition of R9, R14 is phenyl or OR15, wherein R15 is phenyl, and x would remain as defined with a value of 0 to 4. The other alternatives for R14 and R15 would be restricted out of this application as non-elected. Applicant reserved the right to file divisional application(s) directed to any non-elected invention. No other restrictions were made to the claims.

THE RESTRICTION REQUIREMENT

In response to the Restriction Requirement, applicant elects to proceed with the group wherein in the definition of R9, R14 is phenyl or OR15, wherein R15 is phenyl. In accordance therewith, applicant has duly amended claims 1 to 6, and 23 to 25. In each claim, at all occurrences, R14 is phenyl or OR15, and R15 is phenyl. It is submitted that all of the claims are now drafted in accordance with the election under the Restriction Requirement. Applicant reserves the right to file divisional application(s) to any non-elected inventions.

THE REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1 to 6 (and presumably claims 23 to 25) stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. Applicant respectfully traverses this rejection.

On page 3 of the Office Action, the Examiner indicates that the specification does not provide enable for the synthesis of compounds in which

- 1) R5-R8 is other than H, and
- 2) the phenyl substituents are other than CF₃ or halogen.

Applicant wishes to refer the Examiner to Reaction Scheme 4 as set forth on page 26 of the application. The synthetic route depicted in this reaction scheme, which includes a Suzuki coupling reaction, was developed for combinatorial synthesis of compounds encompassed by the present claims of this application. This scheme is suitable for the synthesis of claimed compounds with all of the stated options for R5-R8, as well as all of the possible phenyl substituents. If the starting materials (substituted phenyl compounds only) are not commercially available, their preparation, based in particular on methods for introducing the residues R5 and R6, and R7 and R8 onto phenyl rings, would have been well known to one skilled in the art at the priority date of the present application. That is, the two substituted phenyl compound starting materials which would be combined by the coupling reaction depicted in Scheme 4 are each relatively simple compounds which could be obtained commercially or readily synthesized.

Furthermore, it is not correct that only compounds with R5-R8 equal to H, and phenyl substituents of CF₃ or halogen are presented in the specification. The following examples are noted as compounds which exemplify the enablement of the full scope of this invention.

Example 15a has an R5/R6 nitro residue.

Example 15b has an R5/R6 methoxy residue.

Example 16a has an R5/R6 amino residue.

Example 16b has an R5/R6 hydroxy residue.

Examples 18r and 18x have R5/R6 and R7/R8 methyl residues.

Example 18ae has an R5/R6 sulfonylamino residue.

These examples amply demonstrate various R5-R8 substituents other than H. Furthermore, IC50-values are provided in the specification for cited Examples 15b, 16b, 18r and 18x.

For the phenyl substituents on R14 or R15, reference is made to the following examples.

Examples 11a and 11c have methoxy residues.

Examples 12b and 12f have methyl residues.

Example 12m has a COMe residue.

Examples 13f and 13h have methoxy residues.

Examples 14a and 14c have methyl residues.

Example 14d has a hydroxy residue.

Example 14e has a methoxy residue.

Example 18j has a nitro residue.

Example 18w has a hydroxy residue.

Examples 18x, 18y, 18z, 18ab, 18af and 18ag have methoxy residues.

These examples amply demonstrate various phenyl substituents other than CF₃ or halogen.

In view of these specific examples, and in view of the discussion of Reaction Scheme 4 above, it is submitted that the present specification is fully enabling for all of the residue values for the R5-R8 substituents, and the phenyl substituents for R14 and R15. Reconsideration and withdrawal of the present rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

Therefore, it is submitted that all of the claims pending in the present application are now in condition for allowance, and action to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment resulting from this Amendment to Deposit Account 18-1982.

Respectfully submitted,



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